

## **SECTION VIII. Agricultural Industry Sustainability, Retention and Promotion**

The commitment of the Township Committee, Agricultural Advisory Board and the citizens at large to sustain agriculture as a business and as a way of life in Harmony should be made clear in the examination of the plans and ordinances that currently exist and that are being developed through this document.

Farmland is recognized as a major contributor toward the rural character that presently exists in Harmony Township. The retention of farmland helps to improve aquifer recharge, provides wildlife habitat and provides scenic open space vistas. A Farmland Preservation Program in Harmony Township, thereby protecting farmland from developing with more intense land use, also reduces the rate of storm water runoff, reduces potential traffic generation and eliminates the costs of services that are associated with other types of development.

The preservation of Harmony Township's agricultural heritage has long been a goal of the Township Committee as well as the residents of Harmony Township. Until fairly recently, actions to preserve farmland were limited to the application of lower density zoning in undeveloped areas, the identification of agriculture as a permitted use in various zones, and the adoption of a local "right-to-farm" ordinance. The major zoning districts that support agriculture are the AR-500, AR-300, and AR-250 (the Agricultural Residential zones). The bulk standards in these zones act as deterrents to large-scale residential or community development.

In addition to the Right-to-Farm ordinance and the Farmland Preservation Trust Fund, the Township has been proactive in its efforts to preserve farmland.

### **A. Existing Agricultural Industry Support**

#### Right-to-Farm / Agricultural Mediation Programs

To ensure farmers have the ability to continue accepted agricultural operations, the Right to Farm Act was enacted by the State Legislature in 1983 and amended in 1998. The Act provides protection of commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time, acknowledging the need to provide a proper balance among the varied and conflicting interests of all lawful activities in New Jersey.

Another critical piece of legislation to support agriculture was the 1983 Agriculture Retention and Development Act. This Act created the State Agriculture Development Committee (SADC) and the eighteen County Agriculture Development Boards (CADBs). Both the SADC and CADB implement the Right to Farm Act on the State and local levels.

The SADC works to maximize protections for commercial farmers under the Right to Farm Act by developing Agricultural Management Practices (AMPs), tracking right to farm cases, offering a conflict resolution process, and reviewing rules proposed by other state agencies for the impact they may have on agriculture.

In order to qualify for Right to Farm protection, a farm must meet the definition of a "commercial farm" in the Right to Farm Act; be operated in conformance with federal and state law; comply with the AMPs recommended by the SADC, or site specific AMPs developed by the Monmouth County Agriculture Development Board (CADB) at the request of a commercial farmer; must not

be a direct threat to public health and safety; and, must be located in an area where agriculture was a permitted use under municipal zoning ordinances as of December 31, 1997, or thereafter; or, must have been an operating farm as of December 31, 1997.

Millstone Township's Right to Farm Ordinance was adopted on October 6, 1980 to recognize the benefits derived from farming and prohibit customary farming practices from being found a nuisance. It also set forth the Township's policy for preservation of farmland and the Township's rich farming heritage. Today, Millstone proudly strives to retain its agricultural base and strongly support its agricultural community while maintaining its rural character and quality of life. The Township plans to update its RTF ordinance when the equine rules are adopted.

Presently, the Township does not have a formal mediation program. However, the Township recommends that the mediation process begin with the Agricultural Advisory Committee (AAC) which will commence communication between the parties in order to work toward a mutually acceptable solution. If either party is dissatisfied with the suggestions of the AAC, the next step is for the farmer to seek the counsel of the Monmouth County Agriculture Development Board, and thereafter the State Agriculture Development Committee.

As required by local ordinance, new property owners receive a written notice of any agricultural uses which are adjacent to the residential subdivision.

Millstone Township fosters interaction between farmers and residents, as well as addresses rural issues, in the following ways:

1. Encourage OSFPC and AAC to host educational booths at Millstone Day.
2. Establish a farm market within the town so residents will have access to fresh produce and products and farmers will have another viable market to sell their produce and products.
3. Support OS FPC's Clambake in June as a community event to appreciate good food and celebrate preservation achievements for the year.
4. Publish articles relevant to Right to Farm, preservation, farm life, wildlife, legislation and other topics in the Millstone Township OSFPC Newsletter.
5. Post agriculture information on Township Website directing residents to other links such as SADC website for more information.

#### Farmland Assessment

The Farmland Assessment program is a tax incentive which reduces property taxes on active commercial farmed land, thereby assisting farmers with a critical financial aspect in helping to keep land in agricultural production. This tax incentive is made possible by the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. Basic eligibility requirements include:

- The applicant must own the land;
- The property owner must apply annually for Farmland Assessment on or before August 1 of the year immediately preceding the tax year;
- Land must be devoted to agricultural and/or horticultural uses for at least two years prior to the tax year;
- Land must consist of at least five contiguous farmed and/or woodland management

plan acres. Land under or adjoining a farmhouse is not counted towards the minimum five acres;

- Gross sales of products from the land must average at least \$500 per year for the first five acres, plus an average of \$5.00 per acre for each acre over five. In the case of woodland or wetland, the income requirement is \$.50 per acre for any acreage over five. Dependent on the agricultural or horticultural products being produced, the farmer can also offer clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable period of time; and,
- The property owner must represent that the land will continue in agricultural or horticultural use to the end of the tax year.

Millstone Township's Tax Assessor has developed criteria for farmland assessment based upon these State-mandated criteria. The application for farmland assessment is due annually before August 1<sup>st</sup>.

The Farmland Assessment Act of 1964 permits farmland and woodland actively devoted to an agricultural or horticultural use to be assessed at its productivity value. The Act does not apply to buildings of any kind, or to the land associated with the farmhouse. Buildings and homesites on farms are assessed like all other non-farm property. When and if the land qualified under the Act changes to a non-agricultural or non-horticultural use, it is subject to roll back taxes.

Land may be eligible for "farmland assessment" when it meets the following qualifications:

1. Applicant must own the land.
2. Owner must annually apply for Farmland Assessment on Form FA-1 with the municipal tax assessor on or before August 1 of the year immediately preceding the tax year.
3. The land must be actively devoted to agricultural and/or horticultural use for at least the 2 successive years immediately preceding the tax year for which "farmland assessment" is requested.
4. Land must consist of at least 5 contiguous acres being farmed and/or under a woodlot management plan. Land under and adjoining the farmhouse is not counted in the 5-acre minimum needed to qualify.
5. Gross sales of products from the land must average at least \$500 per year for the first 5 acres, plus an average of \$5 per acre for each acre over 5, except in the case of woodland or wetland where the income requirement is \$0.50 per acre for any acreage over 5; or there is clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable period of time dependent on the agricultural or horticultural products being produced
6. Owner must represent that the land will continue in agricultural or horticultural use to the end of the tax year.

When land, which is in agricultural or horticultural use (and is being valued under the Farmland Assessment Act), is applied to a use other than agricultural or horticultural, it is subject to additional taxes, referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of "Farmland Assessment" and the taxes that

would have been paid or payable had the land been valued, assessed and taxed as other land in the taxing district. In the case of a change in use, the roll-back taxes shall be applicable in the year in which the change took place and in such of the two tax years, immediately proceeding, in which the land was valued, assessed and taxed under the Farmland Assessment Act.

Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all of such animals, except that "livestock" shall not include dogs; bees and apiary products; fur animals, trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

Land shall be deemed to be in horticultural use when devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. There are additional requirements for the boarding, training, or rehabilitation of livestock and for forestlands under a woodlot management program.

## **B. Other Strategies to Sustain, Retain & Promote Agriculture**

Over the last 50 years, Monmouth County and the State of New Jersey have transformed from a largely rural and agricultural landscape, to a more urban and suburban landscape. However, farming remains strong and viable in many portions of the state, including Millstone Township.

If the Township's remaining agricultural areas are to survive and prosper, the non-farming public needs to be aware of, and be financially supportive of, the continuing economic, cultural, scenic and agricultural contributions made by Millstone Township farmers. Public education and outreach will increase the recognition of the farm industry's importance to the non-agriculture resident and should be continued and expanded whenever possible. Agri-tourism is one form of public outreach that exists in Millstone Township and should be expanded wherever possible, and other public outreach mechanisms should be explored and instituted when feasible.

Preservation of the land is only a small part of the farmland preservation process, and the focus must also be on how to maintain agriculture as a viable industry. Some measures being undertaken by the Township include:

- Offering 5-year open space leases, when appropriate, to farmers.
- Adopting an ordinance that requires homebuyers are notified of the proximity of farms to a new subdivision.
- Adopting an ordinance that permits smaller lot sizes if the balance of the land is deed restricted and goes to public use such as open space or preserved farmland.

- Adopting an ordinance that permits a severable exception after farmland preservation provided that the landowner located the exception prior to preservation and was not compensated for that portion of the property.
- Exempting all farms from the municipal ordinance regarding lock boxes.
- Adopted an ordinance that reduced permit fees for agriculture building permits.
- Posting "It's the Law" signs at all roads entering Millstone to indicate a 25 mile per hour speed limit when passing a horse and rider, or horse and carriage.
- Conducting a deer management program on Township-owned land to reduce the population of white-tailed deer to assist with the reduction of crop damage and automobile accidents.

Millstone Township is proud of its farming community. According to the 2017 Farmland Assessment Data, there are 7,105 acres of farmland, representing approximately 30% of the Township. While farmland continues to be subdivided and converted to other uses, the Township continues to preserve farms. Of the remaining farmland, 1,243 acres have been preserved at a cost of \$25 million. The Township estimates that another 1,000 acres of farmland could potentially be preserved within the next 10 years, subject to availability of funding.

The Township's first priority is to secure additional funding in order to continue to aggressively preserve the remaining farmland. The Township must also continue to pursue strategies that will maintain agriculture as a viable industry. And finally, the Township must maintain communication between farmers, the State, County and residents and businesses of Millstone Township by providing information and education opportunities including seminars, newsletters and information in order to help maintain Millstone's vibrant agricultural community.